

PO. BOX 5246-CS ATF/SA C1-132L

CORCORAN CA 93212

~~2001-818, 836.~~) The judgment of conviction and sentence should be reversed.⁶

CONTENTION 1-C

⁶ As defense counsel argued, the failure to instruct on antecedent threats also implicated federal constitutional protections. (R.T. 1057.) In particular, appellant submits the error violated appellant's right to present a defense, to compulsory process and to trial by jury as guaranteed by the Sixth Amendment and the Fourteenth Amendment right to due ~~due~~ ^{EQUAL PROTECTION} process. (See, e.g., *United States v. Unruh* (9th Cir. 1987) 855 F.2d 1363, 1372; *Bennett v. Scroggy* (6th Cir. 1986) 793 F.2d 772, 777-79; *United States v. Escobar de Bright* (9th Cir. 1984) 742 F.2d 1196, 1201-1202.)

Memorandum and points of Authority in
support of petition for relief; FEDERAL H.C.

THIS PETITION IS BASED ON ALL THE ATTACHED MEMORANDUM
AND POINTS OF AUTHORITY ON EACH GROUND AND CONTENTION
STATED HERE IN THIS PETITION: PETITIONERS FEDERALLY
GUARANTEED RIGHTS TO A FAIR TRIAL AND DUE PROCESS AND
EQUAL PROTECTION WERE VIOLATED BY THE STATE TRIAL
COURT THE FACTUAL FINDINGS WERE INCORRECT AND
UNCONSTITUTIONAL, PETITIONERS CONVICTION AND SENTENCE
ARE UNCONSTITUTIONAL, PETITIONERS CONVICTIONS AND
SENTENCE SHOULD BE REVERSED, THE STATE TRIAL COURT
VIOLATED PETITIONERS FUNDAMENTAL CONSTITUTIONAL RIGHTS,
AND RIGHTS TO A FAIR AND IMPARTIAL TRIAL, AND A JURY
OF HIS PEERS. PETITIONER IS AFRICAN AMERICAN, AND
WAS CONVICTED BY AN ALL WHITE JURY DESPITE A WHEELER/
BATSON ERROR.

Prayer for relief-

PETITIONER PRAYS THAT THIS HONORABLE COURT TO GRANT HIM
THE RELIEF SOUGHT FROM AN UNCONSTITUTIONAL CONVICTION
AND SENTENCING. PETITIONER PRAYS FOR AN EVIDENTIARY HEARING
PERMISSION TO PROCEED IN FORMA PAUPERIS, AND APPOINTMENT
OF COUNSEL.

Declaration-

I DECLARE THAT THE AFORE MENTIONED STATEMENTS ARE
TRUE AND CORRECT TO THE BEST OF MY RECOLLECTION.

SIGNED: Eric Wilton Burton # F02720
ERIC WILTON BURTON
DATED - 2-04-08